

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Cognis Corporation)	FINDING OF VIOLATION
2525 South Kensington Road)	
Kankakee, Illinois 60901)	EPA-5-04-IL-07
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Cognis Corporation is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Cognis Corporation is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pharmaceuticals Production at 40 C.F.R. Part 63, Subpart GGG as follows:

Regulatory Authority

1. The NESHAP for Pharmaceuticals Production defines an affected source as a source that: a) manufactures a pharmaceutical product; b) is located at a plant site that is a major source as defined in Section 112(a) of the Clean Air Act (CAA); and c) processes, uses, or produces Hazardous Air Pollutants (HAPs).
2. The NESHAP for Pharmaceuticals Production was proposed on April 2, 1997 and became final on September 21, 1998. The owner or operator of an existing affected source must comply with the provisions of this subpart no later than October 21, 2002, as required under 40 C.F.R. § 63.1250(f)(1).
3. Subpart GGG requires the owner or operator of an affected source to comply with 40 C.F.R. § 63.1250 through § 63.1261.
4. The NESHAP, at 40 C.F.R. § 63.1259(a), requires the owner or operator of an affected source to comply with the recordkeeping requirements in Subpart A of Part 63.
5. The NESHAP, at 40 C.F.R. § 63.1259(a)(3), requires the owner or operator of an affected source to develop and implement a written startup, shutdown, and malfunction plan (SSMP) and keep

the current and superceded versions of this plan onsite.

6. The NESHAP, at 40 C.F.R. § 63.6(e)(3)(i), requires the owner or operator of an affected source to develop and implement a written SSMP that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown, and malfunction and a program of corrective action for malfunctioning process and air pollution control equipment used to comply with the relevant standard.

7. The NESHAP, at 40 C.F.R. § 63.1260(i)(1), requires an owner or operator of an affected source who has taken action consistent with procedures specified in the source's SSMP to submit a report on the same schedule as the periodic reports.

8. The NESHAP, at 40 C.F.R. § 63.1260(i)(2), requires an owner or operator who has taken action not consistent with the procedures specified in the affected source's SSMP to submit an immediate SSMP.

9. The NESHAP, at 40 C.F.R. § 63.1256(a)(4), requires an owner or operator of a source subject to this subpart to comply with the requirements of this section for maintenance wastewater containing partially soluble or soluble HAP.

10. The NESHAP, at 40 C.F.R. § 63.1256(a)(4)(i), requires that an owner or operator prepare a description of maintenance procedures for management of wastewater generated from the emptying and purging of equipment in the process during temporary shutdowns for inspections, maintenance, and repair, and during periods which are not shutdowns (i.e., routine maintenance).

11. The NESHAP, at 40 C.F.R. § 63.1260(f)(3), requires the owner or operator to submit in the Notification of Compliance Status Report (NOCSR) descriptions of monitoring devices, monitoring frequencies, and the values of monitored parameters established during the initial compliance demonstrations, including data and calculations to support the levels established.

12. The NESHAP, at 40 C.F.R. § 63.1257(d)(3)(iii)(B), requires the owner or operator to demonstrate that the condenser, during periods when the condenser is operating as a process condenser, is properly operated if the process condenser meets either of the criteria described in paragraphs(d)(3)(iii)(B)(1) and (2) of this section.

13. The NESHAP, at 40 C.F.R. § 63.4(a)(1), provides that no owner or operator subject to the provisions of this part shall operate

any affected source in violation of this requirement of this part except under an extension of compliance granted by the Administrator, State with an approved permit program, or by the President under Section 112(i)(4).

14. The NESHAP, at 40 C.F.R. § 63.1255(c)(5)(iv), requires that each pump/agitator is visually inspected each calendar week for indications of liquids dripping from the pump/agitator seal.

Factual Background

15. Cognis Corporation owns and operates a chemical plant at 2525 South Kensington Road in Kankakee, Illinois 60901.

16. Cognis Corporation is subject to the requirements at 40 C.F.R. Part 63, Subpart GGG.

17. Vitamin E production at the Kankakee facility occurs in Areas 21, 17, 34, 66, 68, and 69.

18. In the April 19, 2002 Pre-Compliance Report, Cognis Corporation identified only Area 21 as being subject to the Pharmaceutical MACT.

19. Cognis Corporation's original SSMP, which was provided to the U.S. EPA during the September 23-24, 2003 U.S. EPA inspection, was dated March of 2003.

20. Cognis Corporation developed and implemented a Maintenance Wastewater Plan (MWP) in March of 2003, which appeared as part of the March of 2003 SSMP.

21. Cognis Corporation submitted an incomplete NOCSR on March 20, 2003 to the U.S. EPA.

22. In the NOCSR and during the September 23-24 U.S. EPA inspection, Cognis Corporation identified all of its condensers as process condensers.

23. Cognis Corporation has not performed an initial compliance demonstration for its process condensers.

24. The weeks of 11/10/02, 12/8/02, 12/29/02, 1/5/03, 1/12/03, 1/26/03, 2/2/03, 2/9/03, 2/23/03, 3/2/03, and 3/9/03 were not included in the "Weekly Pump/Vent Carseal Inspection" forms obtained during the September 23-24 U.S. EPA inspection.

Violations: Reporting and Recordkeeping

25. Cognis Corporation failed to have an SSMP developed and implemented by the compliance date of October 21, 2002. This is a violation of 40 C.F.R. § 63.1259(a), 40 C.F.R. § 63.1259(a)(3), 40 C.F.R. § 63.6(e)(3)(i), 40 C.F.R. § 63.1260(i)(1), and 40 C.F.R. § 1260(i)(2).

26. Cognis Corporation failed to have a MWP developed and implemented by the compliance date of October 21, 2002. This is a violation of 40 C.F.R. § 63.1256(a)(4) and 40 C.F.R. § 63.1256(a)(4)(i).

Violation: Condensers

27. Cognis Corporation has not performed an initial compliance demonstration for its process condensers. This is a violation of 40 C.F.R. § 63.1257(d)(3)(iii)(B).

28. Cognis Corporation's NOCSR does not contain values of monitored parameters established during initial compliance demonstrations. This is a violation of 40 C.F.R. § 63.1260(f)(3).

Violations: General

29. Cognis Corporation failed to correctly identify all vitamin E production areas at its Kankakee, Illinois facility as subject to the Pharmaceutical MACT. This is a violation of 40 C.F.R. § 63.1250 through § 63.1261.

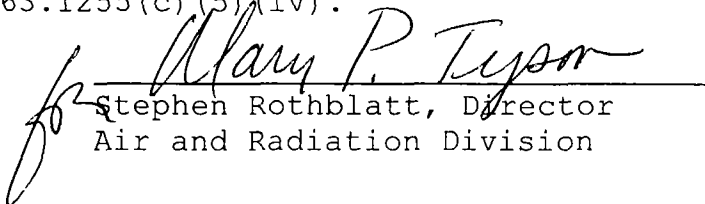
30. Cognis Corporation operated an affected source in violation of the Pharmaceutical MACT, 40 C.F.R. Part 63, Subpart GGG. This is a violation of 40 C.F.R. § 63.4(a)(1).

Violation: Leak Checks

31. Cognis Corporation failed to check, by visual inspection, each pump/agitator for liquids dripping from the pump/agitator seal the weeks of 11/10/02, 12/8/02, 12/29/02, 1/5/03, 1/12/03, 1/26/03, 2/2/03, 2/9/03, 2/23/03, 3/2/03, and 3/9/03. This is a violation of 40 C.F.R. § 63.1255(c)(5)(iv).

Date

12/19/03


 Stephen Rothblatt, Director
 Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-04-IL-07, by Certified Mail, Return Receipt Requested, to:

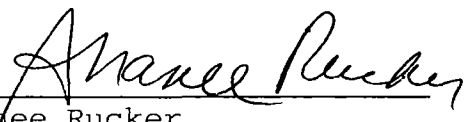
Julie Kendall, Environmental Specialist
Cognis Corporation
2525 South Kensington Road
Kankakee, Illinois 60901

I also certify that I sent copies of the Finding of Violation by first class mail to:

Julie Armitage, Section Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794-9506

Emilio Salis, Regional Manager
Region 1
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, Illinois, 60016

on the 23 day of December, 2003.


Shanee Rucker,
Administrative Program Assistant
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0296 0770